

### **REMARKS/ARGUMENTS**

In view of the amendments filed in Applicants' After Final response filed July 22, 2008, and the following remarks, favourable reconsideration of the pending claims is respectfully requested.

It is respectfully submitted and, as acknowledged in the Advisory Action, that the amendments to the claims in Applicants' After Final response filed July 22, 2008, overcome the rejections under 35 U.S.C. 112.

Claims 2, 4-6, and 8-9 have been rejected under 35 U.S.C. 102(a) as being anticipated by the Marcet Publication. It is respectfully submitted that the Marcet Publication cannot properly be considered as prior art to the instant claims because the subject matter described therein was not invented by "others" and was not described in a printed publication before "the invention thereof by the applicant for the patentee...."

To begin with, it is reiterated that the text and figures of both the translation of the Priority document and the text of this pending application is clear that these are almost identical in their disclosure, for instance, Figures 1-12 of the translated French Priority patent application are identical to Figures 1-12 of this application, and so on.

Accordingly, given that the disclosures of the present application and the French priority patent application are essentially identical and that the current application claims priority from this French patent application, the Marcet publication cannot therefore be prior art for any aspect of the current application as the French priority patent application was filed on July 2, 2003 and the publication date of the Marcet publication was February 16, 2004. Thus, the instant application has an effective priority date of July 2, 2003, which precedes the publication date of the Marcet Publication. Accordingly, the Marcet Publication cannot be considered prior art to the instant application.

The Marcet Publication was authored by Bernard Verrier, Brice Marcet, Patrick Delmas Frederic Becq, and Caroline Norez and describes the same invention as the instant application. Co-authors Bernard Verrier, Brice Marcet, and Patrick Delmas are the sole inventors of the subject matter described and claimed in the above application. Frederic Becq, and Caroline Norez are co-authors of the above publication, but are not co-inventors of the subject matter

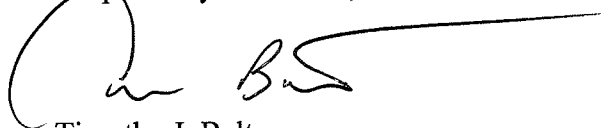
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described in the Marcet Publication, and claimed in the instant application. A 37 C.F.R. 1.132 Declaration signed by Mr. Marcet and affirming the foregoing is enclosed. In the Declaration, Mr. Marcet states that the invention as described in the present application is solely the work of the three named inventors, namely Bernard Verrier, Brice Marcet and Patrick Delmas and that the other authors of the Marcet Publication, Frederic Becq and Caroline Norez contributed solely to the preparation of this publication and did not contribute to the invention. Therefore, the Marcet Publication cannot be considered prior art under 102(a) because it was not invented by "others", or before the invention thereof by the applicants. Accordingly, it is respectfully requested that the rejection of Claims 2, 4-6, and 8-9 as being anticipated by the Marcet Publication be withdrawn.

In view of the foregoing remarks and the accompanying Declaration of Mr. Marcet, it is respectfully submitted that the rejections under 35 U.S.C. 102(a) have been overcome. Formal notification of the allowability of all claims as now presented is respectfully solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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